

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON MINC, et al.)	
)	Civil Action No. 1:15-CV-01777
Plaintiffs,)	
v.)	Judge: Dan A. Polster
)	
ENTERPRISE FINANCIAL GROUP, et al.)	PLAINTIFF'S MOTION TO DISMISS
)	DEFENDANT ENTERPRISE
)	FINANCIAL GROUP, INC. WITHOUT
Defendants.)	PREJUDICE PURSUANT TO FED. R.
)	CIV. P. 41(a)(2).

Now comes Plaintiff Aaron Minc, individually and on behalf of all other similarly situated, and moves this Court for an Order dismissing Defendant Enterprise Financial Group, Inc. without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

For cause, Plaintiff and Defendant Enterprise Financial Group, Inc., had prior settlement discussions, however, at this point Plaintiff elects to move the Court for dismissal without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

If, as Defendant Enterprise has represented, it was not involved in the subject illegal telemarketing calls, Plaintiff will not require it to pay money to effect its dismissal. However, should discovery reveal that Defendant violated the statute or bears liability in this matter, Plaintiff does not desire to foreclose his right to bring this defendant back into the suit, or pursue it separately.

Accordingly, Plaintiff respectfully requests that this Court enter an Order dismissing without prejudice Defendant Enterprise Financial Group, Inc. Plaintiff will file a dismissal against Defendant Capital Advance Solutions separately and amend his Complaint against Car Guardian to proceed solely against that Defendant.

Respectfully submitted,

PISCITELLI LAW FIRM

/s/Eric W. Henry

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served through the Court's Electronic Filing System on April 18, 2016.

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The following party was served by U.S. Mail on April 18, 2016:

Capitol Advance Solutions, LLC

c/o Charles Betta or any Officer
1715 State Route 35, Route 302
Middletown, NJ 07748
Defendant

/s/Eric W. Henry

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